88-310

NO. _____

Supreme Court, U.S.
FILED
JUL 12 1988
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF COMMON PLEAS

THE PEOPLE OF THE UNITED STATES OF AMERICA

OCTOBER TERM, 1987

In re MICHAEL W. & CHERYL L. MASON
Petitioners,

Vs.

CLERK OF THE SUPREME COURT OF COMMON PLEAS UNITED STATES OF AMERICA
Respondent,

PETITION FOR WRIT OF MANDAMUS TO THE CLERK OF THE SUPREME COURT OF COMMON PLEAS FOR THE PEOPLE OF THE UNITED STATES OF AMERICA

MICHAEL W. & CHERYL L. MASON
2ND JUDICIAL DISTRICT
7926 Beckett St
Sunland, California
(818) 353-0514
In Propria Persona

Under Article IV, Sec 2, Cl 1,
Constitution of the
United States of America

COPY

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MICHAEL W. & CHERYL L. MASON
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QUESTIONS PRESENTED

1. DO THE POSTERITY OF WE THE PEOPLE AS DEFINED IN SCOTT V. SANFORD, 19 HOW. 393, 406, AND QUOTED FROM THE PREAMBLE OF THE CONSTITUTION OF THE UNITED OF AMERICA, STILL EXIST?

2. DO WE, MICHAEL W. & CHERYL L. MASON, STILL QUALIFY AS THE POSTERITY IN NO. 1 ABOVE ?

3. ARE WE, MICHAEL W. & CHERYL L. MASON, AS THE POSTERITY IN 1. ABOVE, STILL ENTITLED TO OUR UNALIANABLE COMMON LAW RIGHT TO PETITION THE JUDICIAL BRANCH OF OUR CONSTITUTIONALLY CREATED GOVERNMENT FOR REDRESS OF GRIEVANCE?

4. CAN A FEE OF LAWFULL MONEY BE LAWFULLY ATTACHED TO THE EXERCISE OF OUR COMMON LAW RIGHT?

5. CAN OUR COMMON LAW RIGHT OF PETITION BE LAWFULLY DENIED BY THE CLERK OF THIS COURT FOR WANT OF FORM AND FEE?

RELIEF NOT AVAILABLE IN OTHER COURT

State Supreme Court has refused to file petitioners Writ of Mandames, (see Apendix "D"), therefor relief is not, at this time, available in the lower courts. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. Miranda V. Arizona, 384 US 436, 491.

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NO._____

IN THE SUPREME COURT OF COMMON PLEAS FOR

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OCTOBER TERM, 1987

In re MICHAEL W. & CHERYL L. MASON
Petitioners,

Vs.

CLERK OF THE SUPREME COURT OF COMMON
PLEAS UNITED STATES OF AMERICA
Respondent,

PRAYER

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

May it please the court:

The petitioners, Michael W. & Cheryl L. Mason, respectfully prays that a writ of Mandamus issue to the clerk of the Supreme Court of the United States to file the

original petition for Writ of Mandamus which was returned on June 10, 1988.

OPINION BELOW

The clerk of the Supreme Court of Common Pleas for the People of the United States of America refused to file the petition for a Writ of Mandamus to the clerk of the Supreme Court of Common Pleas for the People of the State of California, submitted on June 2, 1988. A copy of the refusal is attached hereto as Appendix "F".

JURISDICTION

That on March 19, 1988, Declaration and Constructive Notice was sent to Mr. A. A. Pierce, Director of Department of Motor Vehicles , Sacramento, copies to John Van de Kemp.

That on April 26, 1988 a response to our constructive notice was received, stating that, the notice is without merit.

That on May 20, 1988 a Petition for a Writ of Mandamus was sent to the Supreme Court of the State of California.

That on May 24, 1988, Petition was returned unfiled for failure to submit a $200.00 fee.

That on June 3, 1988, a petition for Writ of Mandamus was submitted to the Honorable William H. Rehnquest.

That on June 10, 1988, petition was returned for want of Form and Fee.

JURISDICTION is hereby invoked pursuant to; MAGNA CARTA Chapter 61, 63; Northwest Ordinance, Sec. 4 & Article II; Declaration of Independence, July 4, 1776; Preamble, Constitution of the United States of America, 1787; Constitution of the United States of America, Article III, Sec. 1, Article III, Sec. 2, Cl. 1, & 2, Article VI, Sec 3; FIRST CONGRESS, Stat. I, Ch. XX, Sec. 13, 14, 32;

California First Session, I Stat. 95, (April 13, 1850); California Civil Code, Source of Law, Sec. 22.2; Marbury v. Madison 1 C 137, 5 US. 368, 391, (1803); Dred Scott v. Sanford, 19 Howard, 393, 405, (1856); Mugler v. Kansas, 123 US 633, 661, (1887); Minor v. Happersett, 21 Wall (88 US) 162, 171, 166, 167.

Constitutional Provisions Involved

Preamble,

..and our posterity..

Article I of Amendment:

..or the right of the people... to petition the Government for redress of grievance.

Article IX of Amendment, Sec 1:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Statement of Facts and of the Case

That on March 19, 1988, Declaration and Constructive Notice was sent to Mr. A.A. Pierce, Director of DMV, Sacramento, copies to John Van de Kemp. See Appendix "A" attached hereto and made a part herein.

That on April 26, 1988 a response to our constructive notice was received, stating that, the notice is without merit. See Appendix "B" attached hereto and made a part herein.

That on May 20, 1988 a Petition for a Writ of Mandamus was sent to the Supreme Court of the State of California, See Appendix "C" attached here to and made a part herein.

That on May 24, 1988, Petition was returned unfiled for failure to submit a $200.00 fee. See Appendix "D" attached hereto and made a part herein.

That on June 3, 1988, a petition for Writ of Mandamus was submitted to the Honorable William H. Rehnquest. See Appendix "E" attached hereto and made a part herein.

That on June 10, 1988, petition was returned for want of Form and Fee. See exhibit "F" attached hereto and made a part herein.

REASON FOR GRANTING THE WRIT

As the Heirs, Magna Carta, Sec 1, (1215), and the Posterity of We The People of the United States of America, and constituent members of the Sovereign Political Body, Greenough v. Board of Police Com'rs of Town of Tiverton, 30 R. I. 212 (1909); Scott v. Sanford, 19 Howard, (60 U.S.) 393, 403, 404; US v. Cruikshank, 92 US 588, 590, (1891); Constitution of California, Article II, Sec 1, 2, (1849); O'Flaherty v. City of Bridgport, 64 Conn

159, 161; this petition for redress of grievance, pursuant to Article I & IX, of Amendment US Const., is being submitted as a matter of Absolute Right, Laws of England, Sir William Blackstone,KT., Vol I, (Book I), Sec 197, 141, 142; Osborn v. Bank of US. 9 Wheat 738, 818; in a form convenient to our understanding, Turner v. Bank of N. America. 4 Dall 8, 10; Roach v. Hulings, 16 Peters, 319; Stat I, Ch XX, Sec 32, 34, 35, (September 24, 1789); to issue a Writ, Marbury v. Madison 5 US 368, to compel/mandate, the clerk of the Supreme Court of Common Pleas for the People of the United States of America, to file the original petition, (Enclosed with this Petition), pursuant to said right.

The English People, synonomous with white caucasion, composed and wrote the Magna Carta of the soles of there predecessors and for themselves and there

heirs forever.

These people have composed and created a perpetual, unbroken succion of documents for the securing of those unalianiable rights which belong to all those who demand and protect them from those persons who violate the unwritten law.

This unbroken line of sucessors composed and created the Constitution of the United States of America and the Bill of Richts to furthur secure those rights.

We, as members of the Sovereign People and the posterity of the founding fathers, have been denied our common law Justice in the courts of our state by the attachment of rules of court, subjected under the jurisdiction of Article of Amendment 14, Sec 1, Constitution of the United States of America.

Petitioners can not as a matter of law or in good conscious petition this

honorable court under the rules of Title 28 U.S.C.A. as we are bound by the Common Law.

If any fee or cost be required, it should issue in the form of an amercement to the officer responsible for the violation of our rights.

To prevent any further miscarriage of JUSTICE, enclosed please find a money $ order, exchangeable for 200 Legal Tender, Federal Reserve Notes. If the state can make nothing but gold and silver coin to circulate as money, Art I, Sec 10, US Const.; Article IV, Sec 34, 35, Constitution of California, 1849; and the United States can only coin money, (412 grains silver), then the sovereign people, subject to the common law, can only be made to pay in lawful money. Bronson v. Rodes, 74 US 229, 254. Once the demand has been made, it must be satisfied according to the common law.

Conclusion

Therefor, as the posterity of We the People, the petitioners respectfully demand our common law justice through this petition for extraordinary writ, and pray that this court is bound by all that is JUSTICE to grant our petition.

Respectfully submited;

Dated July 3, 1988

Michael L. Mason

Cheryl L. Mason

MICHAEL W. & CHERYL L. MASON
2ND Judicial District
7926 Beckett St
Sunland, California
(818) 353-0514
In Propria Persona

Under Article IV, Sec 2, Cl 1, Constitution of the United States of America

VERIFICATION

We, Michael W. Mason and Cheryl L. Mason have read the foregoing Brief and statement of facts and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge and belief.

Executed on July 3, 1988.

Michael W. Mason

Cheryl L. Mason

Michael W. Mason --- Cheryl L. Mason

Under Article IV, Sec 2, Clause 1

Constitution of the

United States of America

-Apendix -A-

A. A. Pierce Director

Department of Motor Vehicles

2415 1st Avenue

Sacramento, Calif., 95818

DECLARATION AND CONSTRUCTIVE NOTICE

Mr. Pierce:

Michael W. Mason and Cheryl L. Mason have the unalienable right, by birth and heritage to be, and therefore are, De Jure citizens of the state of California , and are entitled to all privileges and immunities of citizens in the several states under Article IV, Section 2, Clause 1, Constitution of the United States of America, See exhibit A, attached here to and made a part here in, pursuant to Article II Section 1, California Constitution 1849, Article I, Section 2, Clause 2, Article II, Section 1, Clause 5,

and Article IV, Section 2, Clause 1, Constitution of the United States of America, as distinguished in Scott V. Sanford, 19 Howard, (60 U.S.) 393, U.S. V. Balsara, (N.Y. 1910) 180 F. 694, 695, 103 C.C.A. 660, Van Falkenberg V. Brown, 43 Cal. Sup. Ct. 43 (1872), MINOR V. HAPPERSETT. 21 Wall, (88 U.S.) 170, Ozawa V. United States, 260 U.S. 178; 1 Stat. at Large, 10, 103, UNITED STATES V. ANTHONY, 24 Fed. Cas. 829, 830 (1873), and are not de facto citizens under Article of Amendments XIV, Constitution of the United States of America.

The listed documents, and the understanding thereof, have raised the declarants to a Constitutional Status exempt from police powers, wherefore;

Any and all quasi contracts which were not entered into voluntarily, with the knowing intelligent understanding of their

commercial implications and intent, are therefore null and void in the event of possible fraud, from there inception; "Bonacci v. Massachusetts Bonding and Insurance Co., 58 Ca2nd. 657, 664, 137 P2d. 487.

Therefor, all personal property (conveyances) which are owned in allodial by the declarants, are exempt from vehicle registration, mandatory insurance, and any claim of interest or ownership by the state of California or the District of Columbia, based on any and all power of attorney or vehicle registration.

Convaince Identification Numbers

S122A62514, Plate No. 492DDA

A6EO37A364313, Plate No. 540PVY

E11HHBE3709, Plate No. 331UPX

SBD2119738, Plate No. 348LHC

66GHN3L71303, Plate No. SHE878

CUEK0179M77A, Sticker No. E628201

TR25598, Plate No. NZ1841

Personal Drivers Lisence Number

M0482440 M. W. Mason

P0285375 C. L. Mason

Dear Mr. Pearce, the sole intent and purpose of this document is to regain that which is rightfully ours as a matter of law, and to do so with the least amount of inconvenience to all parties of interest, therefore in the interest of justice I would like to propose a solution .

It should be apparent to you that in the declaration I have made a very distinct separation between citizens of the United States (District of Columbia) subject to the jurisdiction thereof, under the 14th Article in addition to, Constitution of the US, and that of Natural Born ,De Jure, Citizens who are not subject to the jurisdiction of Congress for the purpose of taxing a RIGHT. We are of the latter. The

obtaining a drivers licence and registration may have the prerequisite of 14th Article status as a matter of privilege, but cannot attach to a right. The rights secured by Article I California Constitution of 1879, as mandated in Article I Section 24 Cal. Const. 1879, are not subject to legislation, or regulation by the police powers.

1. Exchange of the Motor Vehicle Registration (Pink Slip) for the Certificate of ORIGIN.

2. Exchange of the License Plate for Conveyance identification tag consisting of some or all of the certificate of origin number designated on a plate recognized by all law enforcement officers as being exempt from their jurisdiction, (ie. Ambassador Plate) Unless authorized under the Bill of Rights. Article I Cal.Const. 1879, Articles I through IV, and I through

X in addition to,(Constitution of the United States of America)

Upon receipt of this document all property listed herein, and pertaining to any means of conveyance, and being owned in allodial, will therefore revert to "Droit Droit".

Upon receipt of this document, any violation of due process, harassment, confiscation of property, in any form or in any manner will be countered civilly under Article I, and Article III, California Constitution 1982,(At the common law), and by criminal prosecution for violation of "ARTICLE XX SECTION 3, CONSTITUTION OF CALIFORNIA, 1970.

VERIFICATION

I/We Michael W. Mason and Cheryl L. Mason have read the foregoing Declaration and statement of facts and declare under penalty of perjury under the laws of the

United States of America that the foregoing is true and correct to the best of our knowledge and belief.

Executed on March 19, 1988.

Michael W. Mason and Cheryl L. Mason

Under Article II Sec 1, Constitution of California, 1849

CIRTIFICATE OF SERVICE

I, Michael W. Mason, declare under the laws of the United States of America;

That I am a Citizen of California, and of the several states under Article IV, Section 2, Clause 1, and NOT a citizen of the United States, (District of Columbia) or a resident alien in California; that I am an inhabitant of the 2nd Judicial District of California located in Los Angeles County, State of California.

That on March 19, 1988, service of the following documents, (Declaration and constructive notice,

Verification, Certificate of Live Birth, and certificate of service), were made on the following:

A. A. pierce Director
Department of Vehicles
Sacramento, California 95818

Mr. John D. Van de Kemp
Attorney General
State of California 95814

Hon. Marian LaFollette
11145 Tampa Avenue, Suite 17A
Northridge, California 91324

Councilman Joel Wachs
7747 Foothill Boulevard
Tujunga, California 91042

Seal _____

Michael W. Masonor Cheryl L. Mason

Declarants Under

Article IV, Sec.2

Clause 1. Constitution

of the United States and

Article II Section 1

Constitution of

California, 1849

DISCLAIMER

Even though the marriage license and the birth certificate may create an assumed power of attorney, and be a means to keep track of all persons residing in the United States and the several states, and National Citizens, subject to the jurisdiction of Congress under the 14th article in addition to, Constitution of the United States, where ever they reside, they do not constitute unequivocal proof that declarants are anything other than Dejure Caucasians who are not subject to the federal or State taxing authorities, which

only allows administrative due process to complain of a tax based on a privilege. JACK COLE COMPANY V. MacFARLAND, 337 S.W.2d 453,(The privilege of NATIONAL CITIZENSHIP, COOK V. TATE,265 U.S. 47.)

The State Seal on the Birth Certificate and Marriage License, does not constitute State or Federal property rights in real and personal Droit Droit property of dejure state citizens.

Apendix -B-

Department of Motor Vehicles

Po Box 942869

Sacramento, Ca.

April 26, 1988

Michael W. Cheryl L. Mason

7926 Beckett Street

Sunland, Ca

Dear Mr. Mason:

This responds to your "constructive notice" dated March 19, 1983 regarding your driver license and several vehicle registrations.

The documents submitted included notices concerning your birth and marriage registrations. The Department has absolutely no interest in such information. If future communication is required, please limit it to issues within this Department's jurisdiction.

The driving upon California highways of a motor vehicle without a driver license or the operation of an unregistered vehicle

will subject you to citation, arrest, and the seizure and sale of your vehicle(s) pursuant to one or more of the following statutes:

California Vehicle Code, 4000 (a), 5202, 12500 (a), 12951 (a), 12951 (b), R&T Code 10751.

Section 9800 of the Vehicle Code and Section 10876 of the Revenue and Taxation Code provide that fees due shall be a lien upon the vehicle. Vehicle Code Section 9801 also requires the Department of Motor Vehicles to collect, in addition to the fees a penalties due, the costs for preparing to and/or seizing the involved vehicle. This additional cost could amount to as much as $250.

The constitutional legality for the State of California to establish and enforce driver licensing laws has been upheld by United States (federal) District Courts.

To wit:

"..The police power of the state to promulgate a vehicle code with license and registration requirements cannot be questioned, and the applicability of the license and registration requirements of the California Vehicle Code to non-commercial users of the public highway is evident on the face of the statute." (See page 3, lines 3-9). United States District Court, Northern District of California Case #C 84-20461-RPA Michael W. Smith vs. Offiicer Ota, et al., November 14, 1984 "...the complaints further allege the right to travel by vehicle has been inhibited, and, the Court finds that such traves by vehicle is a privilege and the restrictions imposed and complained (must have driver's license; vehicle must be registered) are a valid exercise of State police powers..." (See page 4, lines 17-21)

United States District Court, Eastern District of California Cale #Civ S-84-1000 RAR Irwin Koff, et al., In Pro Per vs. Darby Lanon, et al., February 27, 1985.

In conclusion, your arguments that you have a inalienable right to operate a motor vehicle without a driver license or registration of the vehicle are without merit. Should you feel that the State of California is without legal authority to require the possession of a driver license and payment of registration fees, you may, of course, initiate whatever legal proceedings you deem appropriate.

Sincerely,

Randall R. Walton

Public Inquiry Unit

Apendix -C-

COVER LETTER

Attention Clerk of the Supreme Court of Common Pleas for the State of California, refer to page # 1, before moving forward.

IN THE SUPREME COURT OF COMMON PLEAS

FOR THE PEOPLE OF THE STATE OF CALIFORNIA

SUPREME COURT NO. _____

MICHAEL W. & CHERYL L. MASON

Petitioner,

vs.

CALIFORNIA DEPARTMENT OF

MOTOR VEHICLES, GEORGE

DEUKMEJIAN, GOVERNOR

Respondent,

PETITION FOR WRIT OF MANDAMUS TO

THE CALIFORNIA DEPARTMENT OF

MOTOR VEHICLES

MICHAEL W. & CHERYL L. MASON

2ND JUDICIAL DISTRICT

7926 Beckett St

Sunland, California

(818) 353-0514

Under Article IV, Sec 2, Cl 1,

Constitution of the

United States of America

Apendix -C 2-

Attention, Clerk of the court:

This Petition is being submitted pursuant to OUR RIGHT under Article I, Sec 3, Constitution of the State of California (1974), As referenced from Article I, Sec 10, Constitution of California (1849) As enumerated in Article of Amendment I, Constitution of the United States of America, for redress of grievance.

If you are not sure as to the filing of this petition, without a $200.00 filing fee, please be advised that clarification, confirmation, should be directed to a Judicial Officer, ie. Chief Justice.

QUESTION PRESENTED FOR REVIEW

1. DO THE POSTERITY OF WE THE PEOPLE, AS QUOTED IN THE PREAMBLE AND ARTICLE I, SEC 1, & 10, CONSTITUTION OF CALIFORNIA (1849), AS ENUMERATED IN THE PREAMBLE & ARTICLE I SEC 1 & 13 OF THE CONSTITUTION OF THE STATE OF CALIFORNIA (1974), AND ARTICLE II SEC 1, CONSTITUTION OF CALIFORNIA (1976), STILL EXIST?

2. IF THE ANSWER TO #1 IS YES, IS THE PHRASE "WE THE PEOPLE", IN #1 ABOVE, SYNONYMOUS WITH "WE THE PEOPLE OF THE UNITED STATES OF AMERICA", AS ENUMERATED IN THE DECLARATION OF INDEPENDENCE (1776), ARTICLE IV ARTICLES OF CONFEDERATION (1778), PREAMBLE OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA (1787), ARTICLE I SEC 2 CL 1 CONSTITUTION OF THE UNITED STATES OF AMERICA (1790), BILL OF RIGHTS I THROUGH X (DECEMBER 15,1791)?

3. IF THE ANSWER TO #2 IS YES, ARE WE, MICHAEL W. AND CHERYL L. MASON, THE POSTERITY OF WE THE PEOPLE AS ENUMERATED IN #1 AND #2 ABOVE ?

4. IF THE ANSWER TO #3 IS YES, ARE WE, AS THE POSTERITY, AS ENUMERATED IN #1, AND #2 ABOVE, ENTITLED TO LIFE, LIBERTY, AND PROPERTY?

5. IF THE ANSWER TO #4 IS YES, ARE WE, MICHAEL W. AND CHERYL L. MASON, ENTITLED TO THE CERTIFICATES OF ORIGIN, AND SPECIAL PLATES \LICENSES FOR OUR DROIT DROIT CONVEYANCES ?

JURISDICTIONAL STATEMENT

This Court has Jurisdiction pursuant to Article I, Sec 3, and Article VI, Sec 10, Constitution of the State of California. K.TASHIRO et al v. Jordon, Supreme Court of California. 256 P 545, Marbury v. Madison 5 US 368

Comes now the petitioners to petition this Honorable Court to:

Issue a Writ of Mandamus to the Department of Motor Vehicles for the State of California to compel the issuance of the Certificates of Origin, and SPECIAL plates for said conveyances.

STATEMENT OF FACTS

Petitioners were born in the State of California of Caucasian parents and are therefor De jure Citizens of the State, the several states and subsequently of the United States of America, As distinguished in Scott V. Sanford, 19 Howard, (60 U.S.) 393, U.S. V. Balsara, (N.Y. 1910) 180 F. 694, 695, 103 C.C.A. 660, Van Falkenberg V. Brown, 43 Cal. Sup. Ct. 43 (1872), MINOR V. HAPPERSETT. 21 Wall, (88 U.S.) 170, Ozawa V. United States, 260 U.S. 178; 1 Stat. at Large, 10, UNITED STATES V. ANTHONY, 24 Fed. Cas. 829, 830 (1873), 16

Albany Law Journal = 24 (1877), And are therefor not defacto citizens under the 14th Article of Amendment Constitution of the United States.

That on March 19, 1988, Declaration and Constructive Notice was sent to Mr. A.A. Pierce, Director of DMV, Sacramento, copies to John Van de Kemp. See Exhibit "A" attached hereto and made a part herein.

That on April 26, 1988 a response to our constructive notice was received, stating that, the notice is without merit. See Exhibit "B" attached hereto and made a part herein.

VERIFICATION

I/We Michael W. Mason and Cheryl L. Mason have read the foregoing Declaration and statement of facts and declare under penalty of perjury under the laws of the

United States of America that the foregoing is true and correct to the best of our knowledge and belief.

Executed on May 19, 1988.

Michael W. Mason --- Cheryl L. Mason

Under Article IV, Sec 2, Clause 1

Constitution of the

United States of America

-5-

CERTIFICATE OF SERVICE

I, Michael W. Mason, declare under the laws of the United States of America , That:

I am a De Jure Citizen of the State of California, and of the several states under Article IV, Section 2, Clause 1, and NOT a citizen of the United States, (District of Columbia), or a resident alien in California; that I am an inhabitant of the 2nd Judicial District of California located in Los Angeles County, State of

California.

That on May 20 , 1988, service of the following documents,(Writ of Mandamus with certificate of service, and notice to the clerk of the court), were made on the following:

1 original and 14 copies to the Supreme Court, and 3 copies to the others,

The Supreme Court of California

3580 Wilshire Blvd. Room 213

Los Angeles, California 90010

A. A. pierce Director

Department of Vehicles

Sacramento, California 95818

Mr. John D. Van de Kemp

Attorney General

State of California 95814

Seal _____

Michael W. Mason or Cheryl L. Mason

Declarants Under Article IV, Sec.2 Clause 1. Constitution of the United States and Article II Section 1 Constitution of California, 1849

Apendix -D-

Office of the Clerk

Supreme Court of California

San Francisco, California

Laurence P. Gill. Clerk

May 25, 1988

Michael W. & Cheryl L. Mason

7926 Beckett Street

Sunland, California

Re: Mason v. California Department of Motor Vehicles et al.

Dear Mr. & Mrs. Mason:

Returned unfiled is your Petition for Writ of Mandate received May 24, 1988 in our Los Angeles Office because you have not submitted the required $200 filing fee. You must either submit the fee or complete and return the enclosed "Application for Waiver of Court Fees and Costs" with your petition. Very truly yours, Laurence P. Gill Clerk of the Supreme Court By: John C. Rossi Chief Deputy Clerk.

Apendix -D-

Apendix -E-

NO._____

IN THE SUPREME COURT OF COMMON PLEAS

FOR THE PEOPLE OF

THE UNITED STATES OF AMERICA

OCTOBER TERM, 198_

In re MICHAEL W. & CHERYL L. MASON

Petitioner, Vs.

CLERK OF THE SUPREME COURT OF COMMON PLEAS

FOR THE PEOPLE OF THE STATE OF CALIFORNIA

Respondent,

PETITION FOR WRIT OF MANDAMUS TO THE

CLERK OF THE SUPREME COURT OF COMMON PLEAS

FOR THE PEOPLE OF THE STATE OF CALIFORNIA

MICHAEL W. & CHERYL L. MASON

2ND JUDICIAL DISTRICT

7926 Beckett St

Sunland, California

(818) 353-0514

Under Article IV, Sec 2, Cl 1,

Constitution of the

United States of America

NOTICE TO THE CLERK

This Petition is being submitted pursuant to OUR RIGHT under Article I, Sec 3, Constitution of the State of California (1974), As referenced from Article I, Sec 10, Constitution of California (1849) As enumerated in Article of Amendment I, Constitution of the United States of America, for redress of grievance.

Please be advised;

In the event that this petition comes to the attention of the Clerk of the Supreme Court and is returned prior to examination by Justice William H. Rehnquest, any and all violations of our rights as Citizens under Article IV Sec 2 Cl 1 US. Const., will be countered by suit at the common law.

QUESTION PRESENTED FOR REVIEW

1. DO THE POSTERITY OF WE THE PEOPLE, AS QUOTED IN THE PREAMBLE AND ARTICLE I, SEC 1, & 10, CONSTITUTION OF CALIFORNIA (1849), AS ENUMERATED IN THE PREAMBLE & ARTICLE I SEC 1 & 13 OF THE CONSTITUTION OF THE STATE OF CALIFORNIA (1974), AND ARTICLE II SEC 1, CONSTITUTION OF CALIFORNIA (1976), STILL EXIST?

2. IF THE ANSWER TO #1 IS YES, IS THE PHRASE "WE THE PEOPLE", IN #1 ABOVE, SYNONYMOUS WITH "WE THE PEOPLE OF THE UNITED STATES OF AMERICA", AS ENUMERATED IN THE DECLARATION OF INDEPENDENCE (1776), ARTICLE IV ARTICLES OF CONFEDERATION (1778), PREAMBLE OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA (1787), ARTICLE I SEC 2 CL 1 CONSTITUTION OF THE UNITED STATES OF AMERICA (1790), BILL OF RIGHTS I THROUGH X (DECEMBER 15,1791)?

3. IF THE ANSWER TO #2 IS YES, ARE WE, MICHAEL W. AND CHERYL L. MASON, THE POSTERITY OF WE THE PEOPLE AS ENUMERATED IN #1 AND #2 ABOVE ?

4.IF THE ANSWER TO #3 ABOVE IS YES, ARE WE ENTITLED AS A MATTER OF RIGHT TO PETITION OUR JUDICIAL BODY TO MANDATE AN AGENCY TO PERFORM PURSUANT TO LAW ?

5. IF THE ANSWER TO #4 ABOVE IS YES, CAN A FEE BE ATTACHED TO SAID RIGHT, WHICH WOULD CHANGE IT INTO A PRIVILEGE, THEREBY ELIMINATING THE RIGHT?

JURISDICTION

Jurisdiction is hereby invoked pursuant to First Congress, Sess. 1. Ch.20 Section 13 page 81, Article III, Sec 2, US Const., Marbury v. Madison 5 US 368

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STATEMENT

As the Posterity of We The People of the United States of America, Scott v. Sanford, 19 Howard, (60 U.S.) 393, this petition for redress of grievance, pursuant to Article I of Amendment US Const., is being submitted as a matter of right, Osborn v. Bank of US. 9 Wheat 738, in a form convenient to our understanding, Turner v. Bank of N. America. 4 Dall 8, to issue a mandamus , Marbury v. Madison 5 US 368, to compel/ mandate, the clerk of the Supreme Court of Common Pleas for the People of the State of California, to file the petition for Mandamus, pursuant to said right.

Petitioners can not as a matter of law or in good conscious petition this honorable justice under the rules of Title 28 U.S.C.A. as we are bound by the Common Law.

If any fee or cost be required, it should issue in the form of an amercement to the officer responsible for the violation of our rights.

-1-

Comes now the petitioners to petition the Honorable Chief Justice William H. Rehnquest to:

Issue a Writ of Mandamus to Laurence P. Gill, Clerk of the Supreme Court of the State of California to file the Petition for Writ of Mandamus.

Statement of Facts

Petitioners were born in the State of California of Caucasian parents and are therefor De jure Citizens of the State, the several states and subsequently of the

United States of America, As distinguished in Scott V. Sanford, 19 Howard, (60 U.S.) 393, U.S. V. Balsara, (N.Y. 1910) 180 F. 694, 695, 103 C.C.A. 660, Van Falkenberg V. Brown, 43 Cal. Sup. Ct. 43 (1872), MINOR V. HAPPERSETT. 21 Wall, (88 U.S.) 170, Ozawa V. United States, 260 U.S. 178; 1 Stat. at Large,chap III,sec 1,pg 103, UNITED STATES V. ANTHONY, 24 Fed. Cas. 829, 830 (1873), 16 Albany Law Journal # 24 (1877), And are therefor not de facto citizens under the 14th Article of Amendment Constitution of the United States.

That on March 19, 1988, Declaration and Constructive Notice was sent to Mr. A.A. Pierce, Director of DMV, Sacramento, copies to John Van de Kemp. See Exhibit "A" page 7, attached hereto and made a part herein.

That on April 26, 1988 a response to our constructive notice was received, stating that, the notice is without merit. See

Exhibit "A" page 14, attached hereto and made a part herein.

-2-

That on May 20, 1988 a Petition for a Writ of Mandamus was sent to the Supreme Court of the State of California, See exhibit "A" attached here to and made a part herein.

That on May 24, 1988, Petition was returned unfiled for failure to submit a $200.00 fee. See exhibit "B" attached hereto and made a part herein.

VERIFICATION

I/We Michael W. Mason and Cheryl L. Mason have read the foregoing Declaration and statement of facts and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge and belief.

Executed on June 2, 1988.

C E R T I F I C A T E O F S E R V I C E

I, Cheryl L. Mason, declare under the laws of the United States of America , That:

I am a De Jure Citizen of the State of California, and of the several states under Article IV, Section 2, Clause 1, and NOT a citizen of the United States, (District of Columbia), or a resident alien in California; that I am an inhabitant of the 2nd Judicial District of California located in Los Angeles County, State of California.

That on June 3, 1988, service of the following documents,(Writ of Mandamus with certificate of service, and notice to the

clerk of the court), were made on the following:

1 original and 3 copies to Chief Justice William H. Rehnquest, US Supreme Court , and 3 copies to each of the following,

The Supreme Court of California
3580 Wilshire Blvd. Room 213
Los Angeles, California 90010

A. A. pierce Director
Department of Vehicles
Sacramento, California 95818

Mr. John Van de Kamp Attorney General
3580 Wilshire Blvd
Los Angeles Ca. 90010

Governor George Deukmejian
600 S. Commonwealth
Los Angeles, California

Seal _____

Michael W. Mason

or Cheryl L. Mason

Petitioners Under

Article IV, Sec.2

Clause 1. Constitution

of the United States

of America

Apendix -F-

Supreme Court of the United States

Office of the Clerk

Washington, D. C. 20543

Joseph F. Spaniol, JR.,

Clerk of the Court

June 10, 1988

Mr. Michael W. Mason

7926 Beckett Street

Sunland, Ca

Re: Michael W. & Cheryl L. Mason v. Clerk of the Supreme Court of Common Pleas of California

Dear Mr. Mason:

The above-entitled petition for an extraordinary writ was received June 2, 1988. The papers are returned for the following reason(s).

The papers fail to comply with the Rules of this Court that govern an extraordinary writ. See Rule 27.3.

No signed motion for leave to proceed in forma pauperis is attached. See Rule 46.

No affidavit of indigency is attached. See Rule 46 and the enclosed sample.

Very truly yours,

Joseph F. Spaniol, JR., Clerk

By

Sandra Elliott Spagnolo

Assistant Clerk

Apendix -F 2-

Proof of Service

I, Michael W. Mason, declare under the laws of the United States of America , That:

I am a member of the soverign political body, Dejure Citizen of the State of California, and of the several states under Article IV, Section 2, Clause 1, Constitution of the United States of America and NOT a citizen of the United States, (District of Columbia), under Article XIV of Amendment, Sec 1, US Const. or a resident alien in California; that I am an inhabitant of the 2nd Judicial District of California located in Los Angeles County, State of California.

That on July 5, 1988, service of the following documents, (Writ of Mandamus with certificate of service, and notice to the clerk of the court), were made on the following:

1 original and 40 copies to Chief Justice

William H. Rehnquest, US Supreme Court , and

3 copies to each of the following,

The Supreme Court of California

3580 Wilshire Blvd. Room 213

Los Angeles, California 90010

A. A. pierce Director

Department of Vehicles

Sacramento, California 95818

Mr. John Van de Kamp Attorney General

3580 Wilshire Blvd

Los Angeles Ca. 90010

Governor George Deukmejian

600 S. Commonwealth

Los Angeles, California

Solicitor General

Department of Justice

Washington, D.C. 20530

Robert C. Bonner

United States Attorney

2315 Federal Building

300 North Los Angeles Street

Los Angeles, California 90012

Joseph F. Spaniol, JR.

Clerk, Supreme Court of the USA

Washington, D. C. 20543

Seal Michael W. Mason

Michael W. Mason or Cheryl L. Mason

Petitioners Under Article IV, Sec.2

Clause 1. Constitution of the

United States of America